

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6663

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JASPER B. MACKEY, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Richard L. Voorhees,
District Judge. (CR-96-135)

Submitted: August 5, 2003

Decided: August 18, 2004

Before LUTTIG, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jasper B. Mackey, Jr., Appellant Pro Se. Gretchen C. F. Shappert,
Assistant United States Attorney, Charlotte, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Jasper B. Mackey, Jr., appeals the district court's order denying his motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) (2000). Mackey alleged that Amendment 599 to the U.S. Sentencing Guidelines Manual mandates a reduction of his sentence. See USSG Supp. App. C, amend. 599 (2002) (amending USSG § 2K2.4, comment. (n.2)). The district court's legal interpretation of Amendment 599 is reviewed de novo. See United States v. Turner, 59 F.3d 481, 484 (4th Cir. 1995). We have reviewed the record and conclude that Amendment 599 does not apply to Mackey's sentence and that he is not entitled to relief under § 3582(c)(2). We therefore affirm the order of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED